IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 33255 of 2006(H)

PETITIONER:

P.T.GEORGE,
PERUNILATHU HOUSE, POONJAR P.O.,
ERATTUPETTA.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL

RESPONDENTS:
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1. ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEVELOPMENT (ROADS), PALA.

2. ASSISTANT ENGINEER,
PUBLIC WORKS DEPARTMENT (ROAD),
ERATTUPETTA.

3. A.K.KHADER,
ALUMTHARA HOUSE, ERATTUPETTA.

BY ADV. SRI.GEORGEKUTTY MATHEW
R1, R2 BY GOVT. PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.33255/06

PETIITONER'S EXHIBITS:

EXT.P1: TRUE PHOTOGRAPH OF THE OLD BUILDING WHICH WAS ACQUIRED AND DEMOLISHED BY THE STATE GOVERNMENT FOR THE PRUPOSE OF CONSTRUCTION OF STATE HIGHWAY.

EXT.P2: TRUE PHOTOGRAPH OF THE BUNK ERECTED BY THE 3RD RESPONDENT AT 1 AM ON 10.12.2006 (SUNDAY) JUST IN FRONT OF THE PETITIONER'S SHOP BUILDING.

EXT.P3: TRUE PHOTOCOPY OF THE PETITION DATED 11.12.2006 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P4: TRUE PHOTOCOPY OF THE PETIION DATED 11.12.2006 SUBMITTED BY TE PETITIONER BEFORE THE 2ND REPSONDENT.

RESPONDENT'S EXHIBITS:

EXT.R1(a): A TRUE COPY OF THE REPRESENTATION DTD.13.12.06 SUBMITTED BY THE BSNL SUB DIVISIONAL ENGINEER, ERATTUPETTA TO THE 2ND RESPONDENT.

EXT.R1(b): A TRUE COPY OF THE NOTICE DTD.15.12.06 ISSUED BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.33255 OF 2006

Dated this the 12th day of February, 2007

JUDGMENT

Heard.

2. As seen from the counter affidavit, it is the contention of the official respondents that the encroachment by the third respondent as alleged by the petitioner is apparently true and the statutory authorities have initiated action by Ext.R1(b) under the Highway Protection Act, 1999. Under such circumstances, without prejudice to the right of the third respondent, if any, to object to such proceedings, this writ petition is disposed of. The needful following Ext.R1(b) shall be finalised within a period of one month from the date of receipt of a copy of this judgment.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.